

STEPHEN D. HANS & ASSOCIATES, P.C.
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | | |
|-------------------------------------|---|----------------------|
| ----- | X | |
| MASSIVEMEDIA, INC., | : | No. 06-CV-8152 (LBS) |
| | : | |
| Plaintiff, | : | |
| | : | ECF Case |
| - against - | : | |
| | : | |
| NATIONAL MEDIA SERVICES, INC., | : | |
| ERIC DRUCKER, and JAMES P. FREELEY, | : | <u>ANSWER</u> |
| | : | |
| Defendants. | : | |
| ----- | X | |

Defendant, JAMES P. FREELEY, by his attorneys STEPHEN D. HANS &
ASSOCIATES, P.C. hereby answers the Complaint in this action as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Complaint.
2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of the Complaint.
3. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of the Complaint.
4. Admits the allegations contained in Paragraph 4 of the Complaint.
5. Paragraph 5 of the Complaint consists of legal conclusions to which no response is

required.

6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6 of the Complaint.

7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7 of the Complaint.

8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8 of the Complaint.

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of the Complaint.

10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10 of the Complaint.

11. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 11 of the Complaint.

12. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 12 of the Complaint.

13. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 13 of the Complaint.

14. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 14 of the Complaint.

15. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 15 of the Complaint.

16. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 16 of the Complaint.

17. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 17 of the Complaint.

18. Denies the allegations contained in Paragraph 18 of the Complaint.

19. Denies the allegations contained in Paragraph 19 of the Complaint.

20. Admits the allegations contained in Paragraph 20 of the Complaint.

21. Denies the allegations contained in Paragraph 21 of the Complaint.

22. Denies the allegations contained in Paragraph 22 of the Complaint.

23. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 23 of the Complaint.

24. Denies the allegations contained in Paragraph 24 of the Complaint.

25. Denies the allegations contained in Paragraph 25 of the Complaint.

26. Denies the allegations contained in Paragraph 26 of the Complaint.

27. Denies the allegations contained in Paragraph 27 of the Complaint.

28. Denies the allegations contained in Paragraph 28 of the Complaint.

29. Denies the allegations contained in Paragraph 29 of the Complaint.

30. Denies the allegations contained in Paragraph 30 of the Complaint.

31. Denies the allegations contained in Paragraph 31 of the Complaint.

32. Denies the allegations contained in Paragraph 32 of the Complaint.

AS AND FOR AN ANSWER TO THE FIRST CAUSE OF ACTION
(Copyright Infringement)

33. Defendant James P. Freeley repeats and reasserts each and every one of the answers contained in Paragraphs 1 through 32 above as if fully set forth herein.

34. Paragraph 34 of the Complaint consists of legal conclusions to which no response is required.

35. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 35 of the Complaint.

36. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 36 of the Complaint.

37. Denies the allegations contained in Paragraph 37 of the Complaint.

38. Denies the allegations contained in Paragraph 38 of the Complaint.

39. Denies the allegations contained in Paragraph 39 of the Complaint.

40. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 40 of the Complaint.

41. Denies the allegations contained in Paragraph 41 of the Complaint.

42. Denies the allegations contained in Paragraph 42 of the Complaint.

AS AND FOR AN ANSWER TO THE SECOND CAUSE OF ACTION
(Lanham Act – False Designation of Origin)

43. Defendant James P. Freeley repeats and reasserts each and every one of the answers contained in Paragraphs 1 through 42 above as if fully set forth herein.

44. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 44 of the Complaint.

45. Denies the allegations contained in Paragraph 45 of the Complaint.

46. Denies the allegations contained in Paragraph 46 of the Complaint.

47. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 47 of the Complaint.

48. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 48 of the Complaint.

49. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 49 of the Complaint.

50. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 50 of the Complaint.

51. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 51 of the Complaint.

52. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 52 of the Complaint.

53. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 53 of the Complaint.

54. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 54 of the Complaint.

55. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 55 of the Complaint.

56. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 56 of the Complaint.

57. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 57 of the Complaint.

58. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 58 of the Complaint.

59. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 59 of the Complaint.

60. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 60 of the Complaint.

61. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 61 of the Complaint.

62. Denies the allegations contained in Paragraph 62 of the Complaint.

63. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 63 of the Complaint.

64. Paragraph 64 of the Complaint consists of legal conclusions to which no response is required.

65. Denies the allegations contained in Paragraph 65 of the Complaint.

AS AND FOR AN ANSWER TO THE THIRD CAUSE OF ACTION
(Lanham Act – False Advertising)

66. Defendant James P. Freeley repeats and reasserts each and every one of the answers contained in Paragraphs 1 through 65 above as if fully set forth herein.

67. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 67 of the Complaint.

68. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 68 of the Complaint.

69. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 69 of the Complaint.

70. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 70 of the Complaint.

71. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 71 of the Complaint.

72. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 72 of the Complaint.

73. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 73 of the Complaint.

74. Paragraph 74 of the Complaint consists of legal conclusions to which no response is required.

75. Denies the allegations contained in Paragraph 75 of the Complaint.

AS AND FOR AN ANSWER TO THE FOURTH CAUSE OF ACTION
(Breach of Fiduciary Duty)

76. Defendant James P. Freeley repeats and reasserts each and every one of the answers contained in Paragraphs 1 through 75 above as if fully set forth herein.

77. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 77 of the Complaint.

78. Denies the allegations contained in Paragraph 78 of the Complaint.

79. Denies the allegations contained in Paragraph 79 of the Complaint.

80. Denies the allegations contained in Paragraph 80 of the Complaint.

81. Denies the allegations contained in Paragraph 81 of the Complaint.

82. Denies the allegations contained in Paragraph 82 of the Complaint.

AS AND FOR AN ANSWER TO THE FIFTH CAUSE OF ACTION
(Misappropriation of Trade Secrets)

83. Defendant James P. Freeley repeats and reasserts each and every one of the answers contained in Paragraphs 1 through 82 above as if fully set forth herein.

84. Paragraph 84 of the Complaint consists of legal conclusions to which no response is required.

85. Denies the allegations contained in Paragraph 85 of the Complaint.

86. Denies the allegations contained in Paragraph 86 of the Complaint.

AS AND FOR AN ANSWER TO THE SIXTH CAUSE OF ACTION
(Unfair Competition)

87. Defendant James P. Freeley repeats and reasserts each and every one of the answers contained in Paragraphs 1 through 86 above as if fully set forth herein.

88. Denies the allegations contained in Paragraph 88 of the Complaint.

89. Denies the allegations contained in Paragraph 89 of the Complaint.

AS AND FOR AN ANSWER TO THE SEVENTH CAUSE OF ACTION
(Tortious Interference)

90. Defendant James P. Freeley repeats and reasserts each and every one of the answers contained in Paragraphs 1 through 89 above as if fully set forth herein.

91. Denies the allegations contained in Paragraph 91 of the Complaint.

- 92. Denies the allegations contained in Paragraph 92 of the Complaint.
- 93. Denies the allegations contained in Paragraph 93 of the Complaint.
- 94. Denies the allegations contained in Paragraph 94 of the Complaint.
- 95. Denies the allegations contained in Paragraph 95 of the Complaint.

AS AND FOR AN ANSWER TO THE EIGHTH CAUSE OF ACTION
(Unjust Enrichment)

96. Defendant James P. Freeley repeats and reasserts each and every one of the answers contained in Paragraphs 1 through 95 above as if fully set forth herein.

- 97. Denies the allegations contained in Paragraph 97 of the Complaint.
- 98. Denies the allegations contained in Paragraph 98 of the Complaint.

AS AND FOR AN ANSWER TO THE NINTH CAUSE OF ACTION
(Conversion)

99. Defendant James P. Freeley repeats and reasserts each and every one of the answers contained in Paragraphs 1 through 98 above as if fully set forth herein.

100. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 100 of the Complaint.

101. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 101 of the Complaint.

AS AND FOR AN ANSWER TO THE TENTH CAUSE OF ACTION
(Equitable Relief)

- 102. Denies the allegations contained in Paragraph 102 of the Complaint.

103. Denies the allegations contained in Paragraph 103 of the Complaint.

Dated: Long Island City, New York
November 21, 2006

STEPHEN D. HANS & ASSOCIATES, P.C.

By: _____/s
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